

REMARKS

The following claims are pending in this application: 1, 6 to 10, 12, 15, 21, 22, 27 to 31, 33, 36, 42, 43, 48 to 52, 54, 57 to 59, 65 to 68, 71 to 84, and 89 to 114. Of these, the following claims are independent: 1, 13, 22, 36, 43, 59, 68, 89, 97, 105 and 114. Favorable reconsideration and further examination are respectfully requested.

In the Office Action, claim 9 was objected to for alleged indefiniteness. Applicant traverses this objection. More specifically, claim 9 affirmatively recites "determining the deviation" of claim 1. Accordingly, Applicant submits that incorporating the word "if" into claim 9 would not further clarify the claim and, in fact, would be incorrect both grammatically and technically. Applicant therefore respectfully requests withdrawal of the objection.

The pending claims were rejected for alleged non-statutory double patenting over U.S. Patent No. 6,757,714 (Hansen). As shown above, Applicant has amended the claims in a manner that even more clearly differentiates the claims from those of the Hansen patent. In view of these amendments, Applicant respectfully requests withdrawal of the double patenting rejection.

The pending claims were also rejected under 35 U.S.C. §103 over U.S. Patent No. 6,292,828 (Williams) in view of U.S. Patent No. 6,397,212 (Biffar). As shown above, Applicant has amended the claims to define the invention more clearly. In view of these amendments, withdrawal of the art rejection is respectfully requested.

Amended independent claim 1 is directed to a method performed by a device associated with an apparatus to report a state of the apparatus to a remote computer, where the device lacks a public network address that can be used by the remote computer to initiate communication with

the device. The method includes detecting the state of the apparatus, where detecting is performed by monitoring variables associated with the apparatus, and generating a message that reports the state of the apparatus. The message comprises a HyperText Transfer Protocol (HTTP) command; the message uses eXtensible Markup Language (XML) to report the state; and the message contains an identifier that is unique to the apparatus. The message is generated periodically or in response to a deviation in the state, and is sent to the remote computer.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. For example, the art is not understood to disclose or to suggest that the device reporting the state lacks a public network address that can be used by the remote computer to initiate communication with the device. The art is also not understood to disclose or to suggest that the message comprises an HTTP command or uses XML to report the state.

Williams describes a system that includes central processing units (CPUs) at remote locations and network devices that communicate with the CPUs. The CPUs are capable of “peripheral monitoring, relay, control, utility, and communication”. As described in column 10 of Williams (which was cited by the Examiner), CPUs may be polled by remote devices to obtain information from the remote locations (see, e.g., column 10, lines 9 to 20). Column 13 also describes sending broadcasts from a remote network location “directly to the home in digital or analog form, coded as possible to inform the polled location’s central processing unit(s)”. Both of these features imply that the Williams’ CPUs have a public network address that can be used to initiate communication with the CPUs. That is, polling and sending, in this context, would require a network address to which such communications could be initiated. This is

unlike the invention of claim 1, in which the device reporting the state lacks a public network address that can be used by the remote computer to initiate communication with the device.

Applicant further notes that the Office Action fails to address the limitation that “the remote computer cannot directly address the device” (see page 3 of the Office Action). This limitation was clarified such that the device reporting the state lacks a public network address that can be used by the remote computer to initiate communication with the device. As explained above, this limitation is neither disclosed nor suggested by Williams.

Furthermore, Williams does not disclose or suggest that the message from the device is an HTTP command or contains XML. Biffar was cited to overcome this deficiency of Williams. In particular, the mention of XML on page 11 of Biffar was cited in the Office Action as evidence that XML can be incorporated into the alleged reporting of Williams. Biffar describes using XML in the context of a Web site classifying its contents. There is, however, no suggestion whatsoever in Biffar that XML may be incorporated into a system that reports the state of an apparatus.

In this regard, an obviousness rejection requires that there be some suggestion or motivation in the references themselves or in the knowledge generally available to those in the art to combine two references. Here, there is no such motivation or suggestion. That is, Biffar discloses using XML to classify data in Web sites. Williams discloses a system for polling CPUs and obtaining information therefrom. There is no indication, either in Biffar or Williams, that XML, or a language like it, may be used to report state information to a remote computer, or that there would be any advantages to using XML for this purpose. Thus, Applicant submits

there is no suggestion or motivation to include XML (from Biffar) in the polling system of Williams. Accordingly, the combination of Williams and Biffar is improper as a matter of law.

Furthermore, it was said on page 4 of the Office Action that Biffar discloses an HTTP command. Applicants respectfully disagree. Biffar discloses use of HTML, not an HTTP command. It is possible that Biffar could use HTTP, however, in Biffar, HTTP commands would not be used to send information; they would be used to obtain information, as is commonly done in an Internet context. Accordingly, even if Biffar were combined with Williams in the manner suggested in the Office Action, the resulting hypothetical combination would still fail to disclose or to suggest use of an HTTP command in a reporting system such as that of claim 1.

For at least the foregoing reasons, claim 1 is believed to be patentable over the art. Amended independent claims 22, 43 and 68 are each drawn along the lines of claim 1, and include similar limitations to those set forth above. These claims are therefore believed to be patentable for at least the same reasons noted above.

Amended independent claim 15 has been amended to specify receiving, from a device, a message that reports the state of the apparatus using XML, where the message comprises an HTTP command and contains an identifier that is unique to the apparatus. The message is received from a network that includes the device, and the device lacks a public network address that can be used by the computer to initiate communication with the device.

As explained above with respect to claim 1, Williams and Biffar, whether taken alone or in combination, are not understood to disclose or to suggest at least using XML to report the state of an apparatus in a message, that the message comprises an HTTP command, or that the

message is received from a device that lacks a public network address that can be used by a computer to initiate communication with the device. For at least these reasons, claim 15 is believed to be patentable over the art.

Amended independent claims 36 and 59 are each drawn along the lines of claim 22, and include similar limitations to those set forth above. These claims are therefore believed to be patentable for at least the same reasons noted above.

New independent claims 89, 96, 103 and 111 specify features, in addition to those described above, that are also not found in the art. These claims are also believed to be patentable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Enclosed is a \$300.00 check for excess claim fees and a \$225.00 check for the Petition for Extension of Time fee. Please apply any other fees, which have not already been covered by check, to deposit account 06-1050, referencing Attorney Docket No. 11333-014001.

Respectfully submitted,



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